

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in the Matter	of Application				
Serial No.:	76/138,471	)	MILLER CHEMICAL & FERTILIZER CORPORATION		
Trademark:	EXIT	)			
Published:	December 11, 2001 At Page TM 208	) ) )	v.	Opposer,	) HORIZO DANIK SARAH KUSAR HIKUS AHAN SARIH BASIK HAKI SARA
Opposition No. 91150974		)	SURFMARK LLC		04-12-2002 U.S. Patent & TMOfc/TM Mail Rept Dt. #58
				Applicant.	

## TO THE TRADEMARK TRIAL AND APPEAL BOARD

## REQUEST FOR AN EXTENSION OF TIME TO FILE ANSWER TO THE NOTICE OF OPPOSITION

SURFMARK LLC ("Applicant"), hereby requests, a 30-day extension of time in which to file its responsive answer to the Notice of Opposition filed herein on or about January 22, 2002, a copy of which was mailed by the TTAB on or about March 5, 2002. In support of its request, Applicant states:

- 1. That Applicant and its attorneys require additional time in which to prepare responses to the claims made by the Opposer in its Notice of Opposition;
- 2. That Applicant's attorneys have communicated with attorneys for Opposer, and attorneys for Opposer do not object to a 30-day extension of the answer date herein; and
- 3. That Applicant does not believe the discovery and testimony periods set forth in the Notice of Opposition will be affected by a 30-day extension, and Applicant

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does not presently request an amendment to the discovery and testimony schedule as previously set forth.

For the foregoing reasons, Applicant requests an extension of time in which to file its responsive answer to the Notice of Opposition, and Applicant requests that such answer date be set for a date certain of May 15, 2002. Applicant further requests that the TTAB enter the appearance of its attorneys of record, Kutak Rock LLP, 1650 Farnam Street, Omaha, Nebraska 68102.

Dated: April 12, 2002

Respectfully submitted, SURFMARK LLC

Eden T. Whitten - Neb. Bar # 20812

Kutak Rock LLP 1650 Farnam Street Omaha, NE 68102 (402) 346-6000

Attorneys for Applicant

## **CERTIFICATE OF MAILING**

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Extension of Time to File Answer to the Notice of Opposition was placed in regular United States mail, first-class postage prepaid, on the 12<sup>th</sup> day of April, 2002, addressed to the following:

Stanley B. Kita HOWSON AND HOWSON Spring House Corporate Center 321 Norristown Road P.O. Box 457 Spring House, PA 19477 Attorney for Opposer